

TO: Federal District Attorney,

Jan, 8, 2008

FILED

"Citizens Complaint"

2008 JAN 23 PM 3:11 1 of 18

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

At this time my patience is thin and my anger and frustration barely controllable. What you will read in the following pages eats at my conscience continually. And though I am not being physically abused, the daily thought of it all really fucks with my head and my mental well being. In short I am drove! Yes, I could physically survive consuming a meal while sitting in a vat of pure shit up to my neck. It doesn't make it right. It's the knowledge that my keepers are fucking me and everyone else over and getting away with it blase! You can obviously tell it's effect by the mental state in which this letter is being delivered to you.

Usually I begin my mornings in prayer but today when I opened my eyes all I could think of was all the time it took to compile all this shit and all the events that led up to it. (That continue today)

Get this straight. A complete stranger at a soup kitchen in oceanside gave me some pills with the advice "they'll cure what ails you". I didn't even know what they were. Oxi some crap is what the guy told me. Anyway, I forgot I even had the damn things so when I get caught with them two hours later at a police station. No less how come I'm flat broke? As it turns out the pills are some kind of synthetic heroin and get this, I later find out they're worth ^{2/3 street} a piece. I had about 10 of them.

My point? Because of simple ignorance I am serving 32 months at 80% while my keepers fuck me over all day every day. It's the mental comparison that eats at me. And they're using the law as their tool to get away with it.

Know what? Fuck the law! It doesn't seem to work. I'm trying to stop my oppression. I'm the bad guy right? I don't even know if my mail is going out. It's one big (Somebody Do Something) mind fuck.

"The California Department of Corrections"
 "Over Crowding" 2 of 18

Today is January 7, 2008 and I am writing this letter from within the confines of Danovan State Prison. (2) yard facility Bldg. 10 Cell - 148. My name is Philip Louis Machado F-64316.

As per "Reception Memorandum" (enclosed) you will see that I am stuck here on a reception yard enduring inhumane conditions because there is no-where else to put me due to overcrowding.

Past and present administrators all had a choice to stop accepting prisoners into their custody beyond the 100,000 limit. But at \$40,000⁰⁰ a year of taxpayer money for the care of each prisoner X 72,000 extra prisoners? Any fool can see the results. Billions of dollars changing hands continually.

Overcrowding has been going on for the past 10 years. The C.D.C. "chose" to make overcrowding its problem and for all the money involved, how could they resist? Now, for whatever reason the Federal government has had enough and the warehousing of human beings for profit will finally end.

Concerning the contents (enclosed) of civil and criminal violations listed herein most all violations can be proved without doubt by the Department's own documentation and in one case because of its lack of documentation. For verification I'm sure there will always be many rosters full of prisoners names to choose from during these time periods of violations we "all" suffered due to overcrowded

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There is no doubt that wrongful punishment was suffered under conditions of C.P.C. 422.7 (a)

Whether aggravating conditions apply will be at the discretion of the presiding Justice.

"Hate Crimes" (Something to think about.)

"Also refer to C.P. 4147."

However, I do believe that "prisoners" can be singled out discriminantly for unfair treatment as easily as race, sex, or religion. After all, who else does the C.D.C. single out to abuse except its prisoners?

In all counts "intent" will be established, from indifference to disregard and even contempt. "After all, they broke the law, they have no rights." Anyway, indifference being the least harm suffered is still a less than lawful or honorable action.

(None of these is good)

Also, keep in mind that the violations suffered were not isolated incidents of chance do to bureaucracy. They were meted out (in action or inaction) with false assurance that said violations would not, could not be opposed by a mere prisoner. (They were enforced by unlawful authority.) They went on for "MONTHS" (4+5)

In closing, I am afraid that The California Department of Corrections in its greed, arrogance, and seemingly unopposable authority deserves no leniency. It certainly has given none. It has taken far too much, from way to many, for far too long.

My pain and frustration are not only for myself but the countless thousands who are forced to accept similar abuses every single day simply

(Reception Memorandum)

Dec. 20, 2007

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After several months of being stranded here on the reception at Donovan State Prison without any television and only the repetative plots of paperback Novels to pass the time I began to give deeper thought to my situation.

It occurred to me that even though I had done NO wrong I was enduring pretty much the same punishment as those who are locked away in the hole for serious misconduct.

Where we are only allowed 3 showers (maximum) per week, regular prison yards receive showers every day and where we are allowed only 5 hours of yard (per week), regular prison yards receive more than 12 hours of yard (per day).

Worship services and law library visitations are routinely compromised. Canteen purchases are limited and phone calls to attorneys and loved ones are NON-existent.

And of course, as provided on regular prison yards there is absolutely NO chance for "positive" rehabilitation whatsoever. NO P.I. A., (on the job training which provides job skills and offers some pay as incentive for prisoners to better themselves.)

No education towards a simple G.E.D., and NO vocational classes to develop trade skills, and finally NO drug or alcohol intervention classes.

And even though many prisoners fail in society and return to prison the opportunity for redemption (to save even some of them.) MUST BE OFFERED!

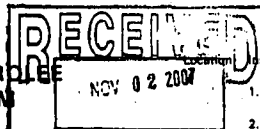
So on November 1st, 2007 I finally wrote to my counselor expressing some of my stagnant and unproductive situation to which he replied on December 3th, 2007 as follows, QUOTE.....

"You have been endorsed to A.S.P. II, (Avenal State Prison, Level II) since 9-25-07. Due to extreme overcrowding your transfer has been delayed. We request a full bus seat every week from Sacramento. Until we get notice from Sacramento your transfer will be delayed.
(Signed Mr. Harlow C.C. II) on 12-3-07

(Please See Attached Document) →

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**INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)



Institution/Parole Region

Log No.

Category

15 TRANS

You may appeal any policy, procedure, or action that has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification appeals, representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Philip L. Machado	F-643/6		2-10-148

A. Describe Problem: I have been here for seven months on the reception yard here at Danneman State Prison. Even so, allowing for the overcrowded back up of the system seven months is still a long time to be in reception.

Furthermore, time spent here is stagnant and unproductive as no help programs or education exist under these conditions.

If you need more space, attach one additional sheet.

B. Action Requested: Request to be transferred from reception.

Inmate/Parolee Signature: Philip L. Machado Date Submitted: 11/2/07

C. INFORMAL LEVEL (Date Received: 12-3-07)

Staff Response: You have been endorsed to ASPH since 9-25-07. Due to extreme overcrowding your transfer has been delayed. We request a full bus seat every week from Sacramento. Until we get notice from Sacramento your transfer will be delayed.

Staff Signature: M. Harlow CCA Date Returned to Inmate: 12-3-07

D. FORMAL LEVEL
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

The following pages deal with violations inflicted by the California Department of Corrections under the direction of Robert Tilton, Director of the C.D.C..

These violations take place in opposition to the Department's own rules and regulation guide, Title 15, the California Penal Code, and the United States Constitution. These violations began on, Sept. 7, 2007 and continue to date. (, 2008)

Per. C.D.C. Title 15

3004. (a) I/m's have the right to be treated respectfully, impartially, and fairly by all employees.

(c) Free from discrimination.

Authority cited: Sec. 5058 P.C. Ref. Sec. 5054 P.C.

Per. C.P.C. 422.7 (a) Aggravating Factors To Punishment

No person, whether or not acting under color of law, shall by force, or threat of force, willfully, injure, intimidate, interfere with, oppress or threaten any other person in the free exercise of enjoyment of any right or privilege secured to him or her by the Constitution or laws of this State or by the Constitution or laws of The United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of section 422.55 P.C.

Per. C.P.C. 422.55 (a)(7) 1 thru 6 "Hate Crime"

Aggravating circumstances are based on the abusers willful intent to commit offenses against another person because of actual or perceived characteristics of the victim. This is called discrimination!

Discrimination is a wrongful act carried out against another person or persons with indifference, disregard, contempt or even malicious intent because of

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race, religion, nationality, sex, political belief, age, physical or mental handicap as in a minority of those not legally informed (knowledgeable) or physically able to defend themselves from their abusers. Prisoners

Yes, a prisoner can file a complaint with one officer against another officer. But why would one officer find a fellow officer guilty of misconduct to help a prisoner thereby bringing discredit to the C.D.C. and giving the prisoner a sure win in a civil action? Officers DO NOT tell on other officers. Code of Silence.

Also, if a prisoner makes a complaint against an officer the prisoner is immediately locked away in the hole for his "protection" from his abuser until the investigation is complete. (indefinitely) What a joke! That is why the only help available in serious situations is found on the outside of prisons in the form of Federal Courts, F.B.I., and The Department of Justice.

True enough, prisoners have been sentenced by Superior Courts to serve prison time. Therefore they belong in prison. However, prisoners must be detained within state and Federal guidelines. When "any" of these guidelines are violated said violations can only be viewed as discriminatory since the C.D.C. limits its abuse to a minority, prisoners!

This abuse (indifference or disregard) is in fact a form of discrimination and is therefore a "Hate Crime".

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Remember: These Violations Begin
Sept. 7, 2007 / , 2008

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(2 yard Donovan)

Per Title 15 3120(a)

Each Warden shall insure a inmate library in their facility.

Authority cited: Sec: 5058 P.C. Ref: Sec: 2600, 2601, 5045 Penal Code
No library on yard (2) Donovan (Mental Well being) (NO T.V. ^{For those with cell})
(Cruel & Unusual treatment) (U.S. Constitution) (No newspaper)
(Freedom of information) (only personal not shared)

Per Title 15 3160(a)

Access to Courts Obstructed / No Copy Machine (2) yard Donovan

Authority cited: Sec: 5058 P.C. Sec: 2601, 5054 Penal Code
Copies requested 12-7-07 copies received 12-14-07 (7 day wait)
copies requested 12-21-07 copies received 1-4-08 (14 day wait)
(Access to Courts) (U.S. Constitution) (Privacy Violation)

Per Title 15 3060.

Institutions will provide the means for all inmates to keep themselves and their living quarters clean and to practice good health habits.

"The entire inner bowl of my toilet is covered in calcium deposit." We have "NEVER" once been given disinfectant, scrub pad, rubber gloves or a mop. (Mental Well being)
(deplorable unsanitary conditions)
(Cruel & Unusual treatment) (U.S. Constitution)

Per Title 15 3000.

Defines disciplinary detention as a temporary housing status which confines so assigned I/m's to designated rooms or cells for prescribed periods of time as punishment for "serious rule violations."

Note: My cell is identical to punishment cells and I am only allowed 5 hours out of my cell per week.
"Same as those being punished" I have done no wrong!
(Freedom of association) (US Constitution)

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Per Title 15 3061.

(Personal Hygiene) "Prisoners must keep themselves clean and practice those health habits essential to the maintenance of 'physical and mental well being.'"

Same as those being punished, we are limited to (3) showers per week given "before" our 5 hour per week yard time. Who wants to exercise and sweat "after" their shower and then be forced back into their cell (bed) all sweaty and nasty? (No Exercise) Unreasonable Definitely (Cruel & Unusual Punishment) (U.S. Constitution)

Per Title 15 3061.

(Personal Hygiene) "No Haircuts" for this time period.
"No mirror in cell" "Mental Well being"

I am raggedy, out of shape, and haggard.
(Cruel & Unusual) (U.S. Constitution.)

Per Known statistic. (Local Newspaper) (found in trash)

The C.D.C. receives over \$40,000⁰⁰ from the taxpayer per inmate, per year to care for the prisoners.

Since my arrival on March 27, 2007 9 mos. ago I have received clothing needed to sustain me while being confined to a cell over 23 hours a day. (2 sets would be suitable) per year. And I have received food purchased in bulk that is so nasty that I have to take (generic) metamucil twice a day just to be able to use the bathroom. (A couple thousand dollars.)

So I ask, where is all the money that was given to these people for my benefit? (No rehabilitation)
(Only Punishment)

I am confined to a cell over 23 hours a day by a toilet that has never been cleaned, used by another man (my cellmate) that is so germ infested that it might as well be a real pile of crap. I have no source of events from outside. A mop of hair and I haven't seen myself for months. No mirror. No exercise. I try to maintain my daily emotions but it's hard.

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As of Monday January 7, 2008 it has become official that prisoners (me) presently housed on the two yard at Donovan will now be forced to consume all meals in their cells. In other words they are now being forced to eat within spitting distance of where they and themselves "AND" their cell mates expel their bowels.

Note: Since being housed on (2) yard, bldg. 10 beginning 9/7/09 almost 4 mos. now "I" have "NEVER" once been allowed cleaning supplies such as rubber gloves, scrub pads, disinfectant or even a dirty mop.

The entire inner water surface of my toilet is caked with calcium deposit. It is so germ infested that it might as well be a "real pile of crap."

Even a dog will crap at least 30 feet away from where it is fed if given the opportunity. That opportunity, in reference to a "dog" is called "humane treatment."

However, to begin the new year of 2008 you have now stripped us of even that opportunity. How far will the C.D.C.'s degradation of human life extend this year?

(STATE LAW) Requires that all prisoners have the right to be treated fairly and respectfully. (with at least the same rights as a dog.)

Authority Cited. C.P.C. 5058 Ref: Sec. 5054 Penal Code.

"This inhumane treatment violates the civil right to be free from cruel and unusual treatment."

The C.D.C. may also consider returning to the taxpayer the money that was used to provide prisoners with a chew hall. After all, to keep those funds would be kind of fraudulent as in "theft by fraud" wouldn't it.

Philip Mahala Jan. 7, 2008

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As of today January 7, 2008 it has become official that this housed in the (2) yard gym at Donovan will be allowed to continue receiving their meals in the (2) yard dining hall while inmates housed in bldgs. 9 and 10 of the same (2) yard are now being forced to receive meals in their cells next to their toilets.

So why are a mere 165 inmates of the gym allowed to take their meals in humane civility while the greater 480 inmates of bldgs. 9 and 10 are forced to take their meals in the same space they "AND" their cell mates defecate?

It's called "profiling and discrimination."

The 165 inmates housed in the gym are classified as "mainline inmates." They consist of the more respectable type of prisoner, mainly those with no known type of sexual misconduct.

The 480 inmates of bldgs. 9 and 10 are classified as "protective custody" inmates. I personally have never been convicted of a sex crime. However, many people in their ignorance and malice perceive everyone in protective custody to be a convicted rapist or child molester deserving of all the mistreatment that can be heaped upon them.

So for this reason 165 inmates get treated like human beings while the other 480 get treated like dogs.

This is "profiling and discrimination by association."

Per. C.P.C. 422.7(a) "Aggravating Factors To Punishment" and C.P.C. 422.55(a)(7) "Hate Crime"

Jan. 7, 2008

Philip Mockler

(Approx. 5 mos.) Pg. 12 of 18

As of March 27, 2007 to August 31, 2007 I was housed at Donovan State Prison in a structure known as the (2) yard gym."

At one time the (2) yard gym was actually a legislatively approved gymnasium for prisoner use. However, as the C. D.C. gladly took on the custody of extra prisoners for profit the (2) yard gym was eventually converted to living quarters. Triple high bunks were installed wall to wall. And if you took two steps in "any" direction you would literally bump into someone else.

Sleeping in triple high bunks meant that two other people besides yourself would be sharing a sleeping structure so whenever one of your other two bunk mates so much as moved or rolled over the other two bunk mates would feel it and be awakened. Sleep was always uneasy for me. Never quite rested. Tense, on edge.

The bathroom situation was the worst. Every morning after breakfast there would always be a long line of prisoners with their rolls of toilet paper in hand, often times (myself) enduring intestinal cramping from having "to hold it in" to use one of about 14 to 20 toilets pre-designated for defecation use only.

After all, who wants to sit down where someone else has just urinated?

Anyway, the toilets were spaced so close together that without any effort in leaning over you could actually grab the ass of the man on either side of you.

"The sounds and smells were absolutely disgusting."

This most assuredly violates "everyones" right to be free from cruel and unusual punishment.

Philip Mader

"Three Strike Memorandum"

It all began back in the mid 90's when a little girl named Polly Claus was abducted from her bedroom while her parents lay sleeping. She was then sexually abused and had her head blown off with a 357. magnum. The whole country was outraged.

Her father, Mark Claus, with help campaigned across the state for a new law against "Violent Predators."

The Law would later be named the "Three Strike Law," Anyone, with three violent offenses would receive a mandatory sentence of 25 years to life in prison.

However, the Pete Wilson administration in bed with the C.D.C. saw a chance to get their hands on billions and billions of dollars right then and for administrations to come.

A recession was on, people were losing their homes and leaving the state. The Wilson administration used the taxpayers frustration and anger to turn their wrath on lawbreakers, all lawbreakers. So the administration proposed to build seven new prisons at a cost of some \$450 million dollars per prison to hold all the new Three Strikers once the Three Strike Law was passed.

To ensure justification for building the new prisons the administration had to be certain that those prisons got full. So when the Three Strikes Law finally went to the ballot the law was slightly amended without the voters knowledge. The voters voted with the belief that the Three Strike

Note: Prison Completion Dates & Amounts of cost may be inaccurate. Still, the truth remains the same.

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candidates would require "three violent" crime convictions in order for the 25 to life sentence to apply when in fact the ballot had been altered so that anyone with "two violent" offenses and any subsequent felony, no matter how petty would be eligible for the mandatory life sentence. Thus, Three Strikes and you're out....

Later, Polly Clause's father Mark would admit on television that indeed the ballot had been altered and the voters had been duped.

However, the Three Strike law had now been passed and the voters were stuck with it not really considering the future consequences. But what the hell, little Polly Claus had been avenged.

Looking back on this incident and considering the enormous cost of building the new prisons along with the cost of maintaining future prisoners the Wilson administration had to have taken into consideration the future overcrowding that would surely come. Through available statistics they could even venture a guess that overcrowding would reach extremes by the year 2007 or 2008. After all, these people were not fools.

But that was not Pete Wilson's problem, after all his administration would now be handling all the monies to build those expensive new prisons and maintain all the new Three Strikers. And though I'm no auditor, one can only imagine where some of those billions really went.

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With the finish of the Wilson administration and into the Davis administration those seven new prisons were quickly filled.

The Three Strike law had corrupted the courts. Judges and D.A.'s were powerless to stop the abuse of life sentences for petty crimes. Eventually, the Romero decision was implemented giving courts discretion over who should and should not be struck out. But since it's convictions that make the careers of Deputy D.A.'s and get's their bosses re-elected the abuses still continued. The D.A.'s now found that they could get easier convictions simply by threatening defendants (guilty or not) who were eligible for a Third Strike with life in prison if they did "not take the deal" to plead guilty for less time (right now) through "plea bargaining". Of course the defendant would gladly plead guilty now for a couple of years as opposed to being taken to trial and convicted because of prior offenses and then sentenced to life.

Of course, I'll take the deal. Where do I sign? However, some were less fortunate still yet. For whatever reasons many defendants wound up in trial for petty offenses facing their third strike. Jury's were, and still are deceived as they are not allowed to know that the defendant on trial before them is facing life in prison if convicted. So, Say the defendant is charged with shoplifting (petty theft), seemingly a minor offense to the jury, they may find him

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guilty without much thought only to later find out that they have just unknowingly sentenced a man to life in prison for something stupid. In three strike cases jury's are deceived and used like this "every time."

One can just imagine how hurt and confused some of these jurors must feel after finding out they just sent someone to prison for life without even realizing it. They now have to live with it for the rest of their lives. It's deceit, it's deception, and it's wrong.

Anyway, the C.D.C. union grew stronger. As was known from the beginning, the more prisoners they had the more money they could get to maintain them. If they squandered and depleted this years budget, they could get even more money for next years budget. And so it went year after year. The unethical and illegal warehousing of human beings for profit continued.

During this passage of time the C.D.C. union also came to realize that since there was no-one to oppose them and take over the now enormous responsibility of running the states 37 prisons they could (and did) name their own price for carrying out such a task. They continually demanded more and more money for themselves and using this leverage they got it.

So now, twelve years later responsibility has finally fallen on the Schwarzenegger administration.

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Because there is simply no where left to put prisoners short of putting them outside on the prison yards.

Why does everyone now seem so surprised? All the administrations saw it happening yet allowed the overcrowding to continue. Why was the situation not addressed ten years ago when it began? It's simple, the more prisoners we have the more money we can get.

California's overcrowding is not about a grieving father seeking justice against violent predators. It's about money and the wicked disregard for human life to get it. It's about a single state agency holding the rest of us hostage to line its own pockets.

We are all victims here. Either your in one of their prisons or your footing the bill for it.

Back in the spring of 1995 I'm sure Mr. Pete Wilson and company thought themselves quite clever when they flipped the script on the voters.

The devastation they caused is still shaking California's foundations today.

Mr. Wilson is now an old man. He is no longer a governor and therefore has no power. The thrill of his coup has long since faded away and though he may still have much of his ill gotten booty he must surely realize by now how worthless it all is, after all, you can't take it with you when you go.

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Whether he is remorseful for what he has done or whether he will meet his maker a defiant old fool is anyones guess. But to those who follow his path beware! Any one who recieves benefit or profit from the tragic death of this little girl with malice or greed in their heart will surely answer in the end.

God bless us all.

12-27-07

Philip L. Machado

Note: Richard Allen Davis killed Polly Claus

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PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

[C.C.P. §§ 446, 2015.5; 28 U.S.C. §1746]

I, Philip L. Machado, am a resident of the State of California and am over the age of eighteen years and am not a party to the above-entitled action. My address is listed below.

On Jan. 20, 2008, I served the following documents:

Citizens Complaint. 18 Pg.
Federal District Attorney

by placing a true copy thereof enclosed in a sealed envelope with First Class postage thereon fully prepaid in the United States Mail by delivering to prison officials for processing through the Institution's internal legal mail system at San Diego California, addressed as follows::

United States District Court
Southern District of California
Federal District Attorney
880 Front Street
San Diego, CA.
92101-8900

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed in the County of San Diego, California on Jan. 20, 2008

Philip L. Machado F-64316
Donovan State Prison

P.O. Box 799002

San Diego, CA 92179-9002

Philip L. Machado

Pursuant to the holding of the United States Supreme Court in Houston v. Lack 108 S. Ct. 2379, 487 U.S. 266, 101 L.Ed.2d 245 (1988) and FRAP, Rule 4 (c) inmate legal documents are deemed filed on the date they are delivered to prison staff for processing and mailing via the Institution's internal legal mail procedures.